

# CHESHIRE EAST COUNCIL

## Report To:- Children and Families Scrutiny Committee

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**Date of Meeting:** 30 November 2015  
**Report of:** Barbara Dale, School Organisation and Admissions Manager  
Janine Smart, Capital and Land Development Manager  
**Subject/Title:** School Organisation and Capital Strategy Framework

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### 1.0 Report Summary

- 1.1 Children and Families Scrutiny Committee is invited to consider and offer advice on the School Organisation and Capital Strategy Framework attached as Appendix 1 together with the Pupil Forecasts based on October 2014 School Census attached as Appendix 2
- 1.2 The strategy will drive the Local Authority's approved Capital Strategy and provide the mechanism for discussions and decisions to be made and acted upon by the Local Authority, the Diocesan Boards of Education, other formal groups as well as individual schools.
- 1.3 The presentation to Scrutiny committee will consist of a range of key documentation which illustrates the process which is followed and allows Scrutiny members to offer feedback. A key part of the presentation will be to raise awareness and explore varying factors which relate to this complex area. Following Scrutiny, this process will then be the subject of consultation with all elected members and schools.
- 1.3 A priority for Cheshire East Council is to work in partnership with its key stakeholders when reviewing pupil forecasts. Agreement has therefore been reached to establish a representative group to facilitate collaborative working at an early stage. The School Organisation Strategy Group (SOSG) will have responsibility for reviewing pupil forecasts and contributing to the identification of basic need requirements; for considering existing school accommodation when formulating options for change and for making recommendations to the Local Authority and other proposers, taking into account all relevant DfE legislation and guidance, which is relevant to all categories of maintained schools unless explicitly stated. The membership will also have a key responsibility for making recommendations to inform school organisation procedures and decision making. The Constitution and Terms of Reference document for SOSG is attached as Appendix 3.
- 1.4 The Local Authority's agreed procedure for decision-making in respect of school organisation proposals is referred to within the document, attached as Appendix 4, including the procedures required in law or government guidance for making changes such as opening, closing or expanding schools.

## **2.0 Recommendation**

- 2.1 Children & Families Scrutiny Committee is recommended to approve the School Organisation and Capital Strategy Framework and associated documents.

## **3.0 Other Options Considered**

- 3.1 There are no other options to be considered

## **4.0 Reasons for Recommendations**

- 4.1 The Local Authority has a statutory duty, as strategic commissioner of schools places, to provide sufficient places for their residents and work within legal requirements in relation to school organisation, which include duties to consult and invite representation in response to public notices. It is therefore essential that the key priorities that underpin this role are accepted.

## **5.0 Background/Chronology**

- 5.1 As previously stated the Local Authority has a statutory duty to provide sufficient school places for their residents and to deliver these within legal requirements in relation to school organisation.
- 5.2 Annual forecasts are produced and these are used to determine sufficiency of school places across the Borough and highlight the need for change in oversubscribed areas. The forecast data generated annually is submitted to the Education Funding Agency for the purpose of identifying basic need capital allocations. Accurate and consistently derived forecasts of pupil numbers are therefore essential.
- 5.3 The Local Authority forecasts demand for school places based on groups of schools (planning areas) that reflect local geography, reasonable travel distances and patterns of supply and demand. Officers are in the process of reviewing the current planning areas, which will be presented, in the first instance, to the School Organisation Strategy Group in November 2015 inviting feedback and recommendations before any changes are proposed.
- 5.4 The Children's Services Capital Strategy sets out the capital investment priorities for Children's Services. Capital funding for the provision of additional pupil places arising from demographics is provided by the Education Funding Agency (EFA) in form of the Basic Need Grant.
- 5.5 Where new housing has an impact on education provision, developer contributions are requested through Section 106 obligations. Further information regarding the process can be found in Appendix 5 (S106 letter to schools)

5.6 School Organisation considers the impact of pupil numbers as a result of housing and determines the timing and location of capital projects on school sites. Schools sites are reviewed for the suitability for expansion, the process for which is set out in the attached Appendix 6.

## **6.0 Wards Affected and Local Ward Members**

5.1 All Wards

## **7.0 Implications of Recommendation**

### **7.1 Policy Implications**

7.1.1 The School Organisation and Capital Strategy Framework will support the authorities statutory duty to provide sufficient school places for its residents and contribute to setting priorities for capital expenditure.

### **7.2 Legal Implications**

7.2.1 Local authorities that fail to comply with the law are in breach of their statutory duty and risk interested parties bringing legal proceedings against them in the High Courts. This can result in a local authority's decision being placed on hold or overturned, which could harm its ability to ensure the availability of sufficient places, its reputation and, if it is obliged to pay excessive legal and other costs.

7.2.2 It is therefore essential that the Local Authority has procedures that demonstrate why it has come to a particular decision and that facilitate compliance with the law. However, it is also important that any such policy is sound, as once the policy is in place, the Local Authority is expected to comply with the policy and its decisions can be challenged if the policy has not been followed.

### **7.3 Financial Implications**

7.3.1 The Local Authority's Capital Programme provides the framework within which Capital spending decisions within the Department will be made.

7.3.2 The Framework will inform and incorporate the strategic capital investment priorities of the Department. These priorities are reviewed each year. The Framework will also inform and incorporate elements of the Section 106 Department Policy. The aim is to maximise all legitimate developer contributions. Therefore, the School Organisation Framework will need to accurately reflect the current surplus school places and illustrate the need for places both across the Borough and by identifying areas requiring particular focus.

7.3.3 In developing the Capital Programme the Council will seek to maintain the principle that the school requirements are funded by grants provided specifically for schools, which has traditionally been funded by a Basic Need Grant from the Department for Education.

#### **7.4 Equality Implications**

7.4.1 The School Organisation and Capital Strategy Framework is expected to improve outcomes across the borough for the most vulnerable and disadvantaged children, young people and their families by ensuring the provision of sufficient school places within a reasonable distance to their home address.

#### **7.5 Rural Community Implications**

7.5.1 In order to protect small and rural schools, any identified need for reorganisation involving a small or rural school will include, as a first priority, consideration of the benefits of collaboration and federation, the importance of schools in the communities and distance to other schools.

#### **7.6 Human Resources Implications**

7.6.1 There are no human resources implications associated with this report.

#### **7.7 Public Health Implications**

7.7.1 There are no public health implications associated with this report.

#### **7.8 Other Implications**

7.8.1 There are no other implications

#### **8.0 Risk Management**

8.1 The risk of not having an agreed Framework for the planning and provision of school places is that the Local Authority could fail to meet its statutory duty to commission sufficient places for children and young people resident in its area.

#### **9.0 Access to Information/Bibliography**

9.1 Documents attached:

- Appendix 1:- School Organisation and Capital Strategy Framework
- Appendix 2:- Pupil Forecasts based on October 2014 School Census.
- Appendix 3:- School Organisation Strategy Group (SOSG)
- Appendix 4:- Decision Making Process (SOSC)
- Appendix 5:- Section 106 letter to schools.
- Appendix 6:- School Sites Assessment

#### **10.0 Contact Information**

10.1 The background papers relating to this report can be inspected by contacting the report writer:

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